

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors believe they are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled SYSTEM AND METHOD FOR STABILIZING THE HUMAN SPINE WITH A BONE PLATE, the specification of which:

\_\_\_\_\_ is attached hereto.  
X was filed on January 6, 2000 as Application Serial No. 09/479,458.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority  
Claimed

N/A  
(Number) (Country) (Date Filed)

Yes/No

N/A  
(Number) (Country) (Date Filed)

Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

N/A  
(Application Serial No.) (Filing Date) (Status)

N/A  
(Application Serial No.) (Filing Date) (Status)

I hereby claim the benefit under title 35, United States code §119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

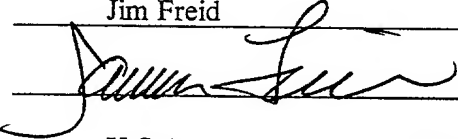
(Application Serial No.)


(Filing Date)

Please direct all communications as follows:

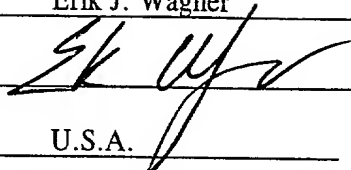
Eric B. Meyertons  
CONLEY, ROSE & TAYON, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Ph: (512) 476-1400

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Jim Freid  
Inventor's Signature:  Date: 4-5-01  
Country of Residence: U.S.A. Citizenship: USA  
Post Office Address: 9532 INDIGO BRUSH AUSTIN TEXAS 78726  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Michael E. Landry  
Inventor's Signature:  Date: 4-6-00  
Country of Residence: U.S.A. Citizenship: USA  
Post Office Address: 4808 Seneca Creek Court, Austin, TX, 78735  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Erik J. Wagner

Inventor's Signature:  Date: 4-6-00

Country of Residence: U.S.A. Citizenship: USA

Post Office Address: 16920 SQUAW VALLEY LANE

(Include number, street name, city, state and zip code)

AUSTIN, TEXAS 78717

106T-9025T001

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Spinal Concepts, Inc. (the "Assignee"), a corporation organized and existing under and by virtue of the laws of Delaware, and having its principal place of business at 12012 Technology Blvd., Suite 100, Austin, Texas 78727, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 09/479,458 which has been filed on January 6, 2000, and is entitled **SYSTEM AND METHOD FOR STABILIZING THE HUMAN SPINE WITH A BONE PLATE**, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT that, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

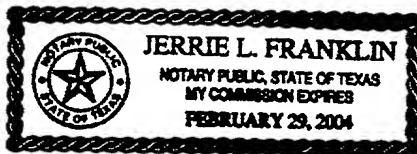
(Signature) \_\_\_\_\_

Name: Jim Freid

Date: 4-5-00

BEFORE ME, the undersigned authority, on this 5<sup>th</sup> day of April, 2000, personally appeared Jim Freid known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same of his own free will for the purposes and consideration therein expressed.

[SEAL]



Jerrie L. Franklin  
Notary or Consular Officer

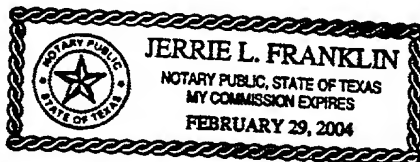
(Signature) \_\_\_\_\_

Name: Michael E. Landry

Date: 4-6-00

BEFORE ME, the undersigned authority, on this 6<sup>th</sup> day of April, 2000, personally appeared Michael E. Landry known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same of his own free will for the purposes and consideration therein expressed.

[SEAL]



Jerrie L. Franklin  
Notary or Consular Officer

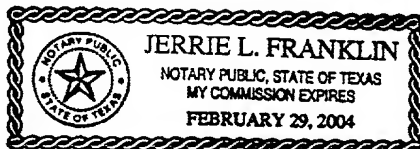
(Signature) \_\_\_\_\_

Name: Erik J. Wagner

Date: 4-6-00

BEFORE ME, the undersigned authority, on this 6<sup>th</sup> day of April, 2000, personally appeared Erik J. Wagner known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same of his own free will for the purposes and consideration therein expressed.

[SEAL]



Jerrie L. Franklin  
Notary or Consular Officer

Eric B. Meyertons  
Conley, Rose & Tayon, P.C.  
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